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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION

Plaintiff,

v.

MICROSOFT CORPORATION,

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 23-cv-02880-JSC

**NON-PARTY NINTENDO OF AMERICA  
INC. STATEMENT PURSUANT TO  
LOCAL RULE 79-5(f) AS TO WHY ITS  
CONFIDENTIAL INFORMATION IN  
DKT. NO. 131 (PLAINTIFF'S REPLY TO  
DEFENDANTS' OPPOSITION TO  
PRELIMINARY INJUNCTION MOTION)  
SHOULD BE FILED UNDER SEAL**

Pursuant to N.D. Cal. Civil Local Rule 79-5, Non-Party Nintendo of America Inc. (“NOA”) hereby submits this Statement as to why its confidential information contained in Plaintiff Federal Trade Commission’s (“Plaintiff”) Reply to Defendants’ Opposition to Preliminary Injunction Motion (Dkt. No. 131, “Reply Memo”) should be kept under seal.

On June 20, 2023, Plaintiff filed its Reply Memo, which characterizes and cites to the transcript of an NOA witness’s deposition – PX7065 – that was taken during the course of discovery in *In the Matter of Microsoft Corp. and Activision Blizzard, Inc.*, before the FTC Office of Administrative Law Judges, Docket No. 9412. *See* Dkt. No. 131 at 13 (citing PX7065).

Yesterday, on June 26, 2023, NOA filed its L.R.79-5 Statement asking the Court to seal the entirety of PX7065 or, in the alternative, to seal those portions of the transcript that NOA designated in certain confidentiality categories. (*See* Dkt. No. 219). All of the cited portions of PX7065 that Plaintiff characterizes and cites on page 13 of the Reply Memo were designated confidential in NOA’s Statement (Dkt. No. 219). Therefore, NOA respectfully requests that the redacted sentence on page 13 of the Reply Memo that refers to PX7065 remain under seal.

Dated: June 27, 2023

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